

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

10/21/99 14:26:07
Page 1

Water Right Number - 45-10270

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CUMMINS FARMS INC

1 - 4418 E 3300 N
2 -
3 -
City- MURTAUGH State- ID Zip- 83344
Phone - 208-432-6675

*** D - DIR RPT OWNER ***
CONRAD

HOWARD

1 - RT 1
2 -
3 -
City- MURTAUGH State- ID Zip- 83344
Phone - 208-432-5444
1 - RT 1
2 -
3 -
City- MURTAUGH State- ID Zip- 83344
Phone - 208-432-5444

CONRAD LAND & LIVESTOCK INC

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/12/1966 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
11S 21E 9 NW NW NE (31) CASSIA

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 43 - DOMESTIC | | 01/01 | 12/31 | | 0.040 | |
| 04 - STOCKWATER | | 01/01 | 12/31 | | 0.200 | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.200 0.0

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|------|-------------|-------------|
| 11S | 21E | 9 | NW NE | | | | 04 | STOCKWATER | (31) CASSIA |
| 11S | 21E | 9 | NW NE | | | | 43 | DOMESTIC | (31) CASSIA |

Total Acres:

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use - 1 HOME

45-10270

AJ5809NP
No. R45-10270

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/29/97
PAGE: 7

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|--|------------------|------------|-----------------------|-------------------|---------------------|
| C | HOWARD CONRAD | 11/12/1966 | STOCKWATER | 01-01 12-31 | 0.20 CFS | |
| C | CONRAD LAND & LIVESTOCK INC
RT 1
MURTAUGH ID 83344
(208) 432-5444 | | DOMESTIC | 01-01 12-31 | 0.04 CFS | |
| TOTAL DIVERSION: | | | | | 0.20 CFS | |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T11S R21E S09 NWNWNE

CASSIA County

Place of use Legal Description for: STOCKWATER

| | | | | NE | | | | NW | | | | SW | | | | SE | | | |
|-----|-----|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |
| 11S | 21E | 9 | : | | | S | | | | | | | | | | | | | |

Place of use Legal Description for: DOMESTIC

| | | | | NE | | | | NW | | | | SW | | | | SE | | | |
|-----|-----|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |
| 11S | 21E | 9 | : | | | D | | | | | | | | | | | | | |

POU County: CASSIA

Non-Irrigation Uses: ~~DOMESTIC~~, 1 HOME (STOCKWATER, 100 CATTLE, 1000 SHEEP) *EXP*

Other Rights: NONE

Remarks: *EXP* GEN PARCEL NO. 11S21E090000

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/20/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
WELL IS SHARED BETWEEN FOUR HOUSES. (FILED SEPARATELY)

Audit: 11/19/92 SMITH 11/20/92 SMITH 03/30/95 POST-STD

2/10/97

Water right number - 45-10270

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +

EXP PARCEL NO. 11S21E090000
STOCKWATER, 100 CATTLE, 1000 SHEEP

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
STATE OF IDAHO UNITED STATES, ET AL 07/24/1998

+ - - - - - Comments - - - - - +

Date: 11/20/1992 User Id: SMITH Subject: COPIED FROM REMARKS
WELL IS SHARED BETWEEN FOUR HOUSES. (FILED SEPARATELY)
Date: 10/21/1999 User Id: CTIMM Subject: OWNER CHANGE
10/21/99, CHANGED OWNERSHIP AS PER FORM 1409 AND DEED REC'D 2/11/99: CONRAD TO CUMMINS. C.T.

+ - - Audit Fields - - +
10/21/99 CTIMM

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 03/02/1998 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 05/31/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S007422 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 2000

ATTN CINDY
CUMMINS FARMS INC
4418 E 3300 N
MURTAUGH ID 83344

RE: SRBA Claim(s) A45-02583, A45-02689, A45-07020,
A45-07034, A45-07035, A45-07110,
A45-07238, A45-07374, A45-10274,
A47-02538
Decreed Water Rights 45-10269, 45-10270, 45-10271
45-10272, 45-10273
Application for Permit 45-07578

Dear Cindy:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership on all the above listed claims and water rights except 45-07578 to Cummins Farms Inc. Enclosed please find printouts of these records showing the change in ownership.

Changing 45-07578 requires Howard Conrad to complete an Assignment of Application for Permit form. I have enclosed one of these forms for your use. The next time you see Mr. Conrad, have him complete and sign the form, have it notarized then return it to this office.

There is a notation by Howard Conrad on claim A45-10274 that states "These lands have been watered from my irrigation system and farmed by me for many years; however, I do not own the land and no water right has ever been recorded for this use." This property was not included in the conveyance documents supplied with the owner change form. Even though this claim was changed into Cummins Farms Inc., we need for our files documentation that Cummins Farms Inc. does indeed own the property or a copy of the agreement Cummins has with the owner of the property. Having this information in our files will help to protect your claim against any counter claims. Give me a call, Cindy, if you have any questions or I can assist you in any way.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

Cummins Farms, Inc.

4418 E 3300 N
Murtaugh, Idaho 83344

432-6675
Fax # 432-5421

To Whomever it May Concern:

Jan 25, 2000

It is the wish of the three (3) Officers of Cummins Farms, Inc., to inform you, that it has been agreed upon that, any one of, or all three, of the officers can sign any/and all documents, pertaining to the business and legal operation of Cummins Farms, Inc.

Listed below are the 3 Members and their signatures giving permission to each other to sign in behalf of the Corporation known as Cummins Farms, Inc.

Mark Cummins Mark Cummins President

Allen Cummins Allen Cummins Vice President

Daniel Cummins Daniel Cummins Secretary

I Cindy L. Perkins, being a Notary Public for and on behalf of the State of Idaho, do acknowledge that Mark Cummins, Allen Cummins, and Daniel Cummins did appear before me on Jan. 25, 2000. I do know them By personal association, to be who they say they are.

Cindy L. Perkins Cindy Perkins

Date Jan 25, 2000

My Commission ends on 2/02/04
State of Idaho County of Twin Falls

I reside in Murtaugh, Idaho 83344



EXHIBIT B

Water Rights and Palisades Water Shares

| <u>Water Right #</u> | <u>Acres Attached</u> | <u>Diversion Flow</u> | <u>Consumptive Use</u> | <u>Priority Date</u> | <u>Stage</u> |
|----------------------|-----------------------|-----------------------|------------------------|----------------------|----------------|
| A45-02583 | 96.00 | 1.82 CFS | 288.00AFA | 06/19/59 | License |
| A45-07020 | 188.00 | 3.76 CFS | 564.00AFA | 04/06/67 | License |
| A45-07034 | 148.00 | 2.94 CFS | 444.00AFA | 03/03/69 | License |
| A45-02689 | 494.00 | 5.82 CFS | 1,482.00AFA | 11/09/62 | License |
| A45-07374 | 155.00 | 3.10 CFS | 465.00AFA | 04/11/79 | License |
| A45-07110 | 310.00 | 3.98 CFS | 930.00AFA | 09/18/72 | License |
| A45-07238 | 634.00 | 6.40 CFS | 1,902.00AFA | 05/02/75 | License |
| A45-07035 | 320.00 | 5.79 CFS | 960.00AFA | 02/28/69 | Licesne |
| 45-07578 | 2,205.00 | 13.43 CFS | N/A | 06/06/85 | Application |
| A45-10274 * | 14.00 | .28 CFS | 42.00 AFA | 06/19/89 | Beneficial Use |

Palisades Water Users, Inc.

| Certificate # | #of Shares |
|---------------|------------|
|---------------|------------|

| | |
|-----|---------|
| 658 | 1000.00 |
| 660 | 140.00 |

RANGE 21

CUMMINS
FARMS
MAP 4
1999



N

TO BURLEY

TOWNSHIP 10

US HIGHWAY 30

TOWNSHIP 11

7

7

8

9

10

19

18

17

16

15

FIELD 115
144 ACRES

FLD 114
10 AC

FLD 113
149 AC

FLD 111
262 AC

FKD 110
154 AC

FLD 102
335 AC

FKD 104
138 AC

FKD 103
153 AC

FKD 106
129 AC

FKD 109
134 AC

FLD 107
137 AC

FKD 108
129 AC

POTATOES

WINTER
WHEAT

SPRING
WHEAT

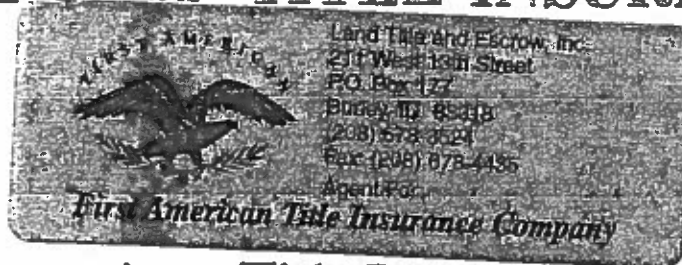
Highway 30
headed East to Burley -

Property bought from
Hawed Conrad
Conrad and Livestock

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Arnesen* SECRETARY

J 989970

CONTINUATION

SCHEDULE A

Policy Number: J 989970

PARCEL NO. 1:

**TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

- Section 7: That part of the SE $\frac{1}{4}$ that lies South of U.S. Highway 30 Right of Way
- Section 8: That part of the NE $\frac{1}{4}$ and the W $\frac{1}{2}$ that lies South of U.S. Highway 30 Right of Way
- Section 9: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$
- Section 15: W $\frac{1}{2}$
- Section 16: E $\frac{1}{2}$

PARCEL NO. 2:

**TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

- Section 10: SW $\frac{1}{4}$
- Section 18: All
- Section 19: SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)
- Section 21: NE $\frac{1}{4}$

FIRST AMERICAN TITLE INSURANCE COMPANY

STANDARD OWNERS POLICY

SCHEDULE A

| FILE NO. | POLICY NO. | DATE OF POLICY | AMOUNT | PREMIUM |
|----------|------------|---------------------------------|----------------------|------------------|
| 30995 | J 989970 | January 8, 1999
at 1:10 P.M. | ~~9,025,000~~ | ~~9,000~~ |

1. Name of Insured:

CUMMINS FARMS, INC., an Idaho Corporation

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

CUMMINS FARMS, INC., an Idaho Corporation

4. The land referred to in this Policy is described as follows:

SEE SCHEDULE A, PAGE 2

LAND TITLE AND ESCROW, INC.

Countersigned: 
Agent

This Policy is valid only if Schedule B is attached.

STANDARD OWNERS POLICY

SCHEDULE B

EXCEPTIONS FROM COVERAGE

Policy Number: J 989970

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

SECTION I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Any lien or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

SECTION II

7. Taxes for 1999 and subsequent years, a lien, but not yet due or payable.
8. Assessments, if any, of the Milner Low Lift Irrigation District and the rights and powers of said District as by law provided.
9. Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.
10. Right-of-Way Deed executed by James H. Brady, Governor of the State of Idaho, and Ex-Officio President of the State Board of Land Commissioners, to Milner and North Side Railroad Company, a corporation, dated November 12, 1910 and recorded November 15, 1912 as Instrument No. 12900 in Book 14 of Deeds, Page 609, records of Cassia County, Idaho, over and across NE¼ of Section 16, Township 11 South, Range 21, East of the Boise Meridian.

-Continued-

SCHEDULE B

Policy Number: J 989970

11. Rights for transmission line purposes as the Idaho power Company may have under the Act of march 4, 1911 (36 Stat.1253) as amended (43 U.S.C. sec. 961) and rights for pipeline purposes as the Salt Lake Pipeline Company may have under Section 28 of the Act of February 25, 1920 (41 Stat. 437) and reservation of a right-of-way for a Federal Aid Highway under the Act of November 9, 1921 (42 Stat. 212), notice of such given by Patent recorded February 11, 1955 as Instrument No. 185048 in Book 2 of Patents, Page 378, records of Cassia County, Idaho. (NW¼ and NW¼SW¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.)
12. Right of Way Contract from May A. Hale to pacific Northwest Pipeline Corporation, a Delaware corporation, dated September 7, 1955, and recorded September 29, 1955 as Instrument No. 187508, in Book 9 of Bills of Sales and Agreements, Page 230, records of Cassia County, Idaho, granting a right of way and easement to said corporation, over and across the NW¼SW¼ and SW¼NW¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.
AMENDMENT TO RIGHT OF WAY CONTRACT dated August 25, 1980 and recorded September 8, 1980 as Instrument No. 128901 on Film No. 137, records of Cassia County, Idaho.
13. Right of Way Contract from Zelma Anderson, a widow of L.W. Anderson, deceased, to Pacific Northwest Pipeline Corporation, dated September 23, 1955, and recorded December 5, 1955 as Instrument No. 188241, in Book 9 of Bills of Sales and Agreements, Page 328, records of Cassia County, Idaho, granting a right of way and easement to said corporation, over and across the NE¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.
14. Excepting and excluding all that tract of land described and included in power site reserve No. 498, created by Executive Order of July 19, 1915, under the Act of Congress approved June 25, 1910 (36 Stat. 847), more specifically described as follows: one and twelve hundredths acres in the Northeast quarter of Section eight, Township 11 South, Range 21, notice of such given by Patent recorded September 22, 1958 as Instrument No. 198623 in Book 2 of Patents, records of Cassia County, Idaho.
15. Power Line Easement from Leland J. Garner and Maxine Call Garner, husband and wife, to Idaho Power Company, dated April 17, 1961 and recorded March 27, 1962 as Instrument No. 5977 on Film No. 12 in the office of the Recorder of Cassia County, Idaho, over and across the SE¼SE¼ of Section 9, Township 11 South, Range 21 East, Boise Meridian.
16. Power Line Easement executed by Arthur T. Hull and Juanita A. Hull, his wife, to Idaho Power Company, a corporation, its licensees, successors and assigns, dated May 15, 1961 and recorded March 27, 1962 as Instrument No. 5980 on Film No. 12, records of Cassia County, Idaho, over and across SW¼SW¼ Section 10, Township 11 South, Range 21 East of the Boise Meridian.

SCHEDULE B

Policy Number: J 989970

17. Power Line Easement executed by Nellie Hull Stoddard, Widow, to Idaho Power Company, a corporation, its licensees, successors and or assigns, dated May 29, 1961 and recorded March 27, 1962 as Instrument No. 5983 on Film No. 12, records of Cassia County, Idaho, over and across SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11, Range 21 East of the Boise Meridian.
18. Power Line Easement from C. LeRoy Garner and Gladys Garner, husband and wife, to Idaho Power Company, a corporation, dated April 25, 1963, and recorded July 10, 1963 as Instrument No. 20582 on Film No. 30, in the office of the Recorder of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
19. Power Line Easement from C. LeRoy Garner and Gladys Garner, husband and wife, to Idaho Power Company, dated May 6, 1964, and recorded March 11, 1965 as Instrument No. 23042 on Film No. 33 in the office of the Recorder of Cassia County, over and across the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
20. Right of Way from Bureau of Land Management to Department of Highways, State of Idaho, dated September 13, 1966 and recorded January 31, 1967 as Instrument No. 33397 on Film No. 47, records of Cassia County, Idaho, over and across N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 18, Township 11 South, Range 21, East of the Boise Meridian.
PARTIAL RELINQUISHMENT recorded January 29, 1979 as Instrument No. 113850 on Film No. 123, records of Cassia County, Idaho.
21. Power Line Easement from Howard Conrad and Mary J. Conrad, his wife, to Idaho Power Company, a corporation, dated December 23, 1966, and recorded May 2, 1967 as Instrument No. 34780 on Film No. 49, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
22. Reservation unto the United States, its permittee or licensee, the right to enter upon, occupy and use, any part or all of that portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ said Section 9, lying within 50 feet of the center line of the transmission line right of way of the Great Shoshone and Twin Falls Water Power Company, Power Site Reserve No. 498 and 25 feet of the center line of the transmission line right of way of the Idaho Power Company, project No. 406, for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063), and subject to the conditions and limitations of Section 24 of said Act, as amended by the Act of August 26, 1935 (49 Stat.846) and such rights for pipe line purposes as the Minidoka and Northside Railway Company and Pacific Northwest Pipeline Corporation may have under Section 28 of the Act of February 25, 1920 (41 Stat.437), as amended by the Act of August 21, 1935 (49 Stat. 674), notice of such given by Patent recorded June 4, 1971 as Instrument No. 56843 on Film No. 70, records of Cassia County, Idaho. (S $\frac{1}{2}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian)

SCHEDULE B

Policy Number: J 989970

23. Grant of Easement executed by Arther T. Hull and Juanita A. Hull, husband and wife, parties of the first part, to C. LeRoy Garner, party of the second part, dated February 21, 1963 and recorded February 3, 1972 as Instrument No. 60531 on Film No. 74, records of Cassia County, Idaho, over and across SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 Township 11 South, Range 21 East of the Boise Meridian.
24. Assignment of Water Rights executed by Arthur T. Hull and Juanita A. Hull, husband and wife, to C. LeRoy Garner, dated February 2, 1965 and recorded February 4, 1972 as Instrument No. 60532 on Film No. 74, records of Cassia County, Idaho, assigning all right, title and interest, if any, in and to the Waters produced from a certain irrigation well located on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21 East of the Boise Meridian.
25. Easement from Howard E. Conrad and Mary J. Conrad, husband and wife, to Conrad Land & Livestock, Inc., dated September 6, 1972 and recorded September 7, 1972 as Instrument No. 65050 on Film No. 78, records of Cassia County, Idaho, for the purpose of maintaining and operating a storage pond for the collection and storage of water for irrigation purposes in the Northeast corner of Section 16, Township 11 South, Range 21, East of the Boise Meridian.
26. Power Line Easement from Conrad Land & Livestock, Inc., to Idaho Power Company, a corporation, dated January 7, 1974, and recorded May 19, 1976 as Instrument No. 90769 on Film No. 101, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian.
27. Power Line Easement from Howard Conrad and Mary J. Conrad, his wife, to Idaho Power Company, a corporation, dated March 4, 1975 and recorded May 19, 1976 as Instrument No. 90774 on Film No. 101, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian.
28. Power Line Easement executed by Conrad Land & Livestock Co., Inc. to Idaho Power Company, a corporation, dated July 28, 1976 and recorded February 16, 1977 as Instrument No. 96305 on Film No. 106, records of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21 East of the Boise Meridian.
29. Rights for highway purposes granted to the Idaho Department of Transportation, its successors or assigns, by right-of-way No. I-143, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317) as to Lot 1 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, Township 11 South, Range 21 East of the Boise Meridian, notice of such given by Patent recorded May 4, 1978 as Instrument No. 107221, records of Cassia County, Idaho.

-Continued-

SCHEDULE B

Policy Number: J 989970

30. Right of Way and Easement between Howard E. Conrad and Mary J. Conrad, and Northwest Pipeline Corporation, a corporation, dated August 25, 1980, and recorded September 8, 1980 as Instrument No. 128904 on Film No. 137, records of Cassia County Idaho, over and across the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8 and the S $\frac{1}{2}$ N $\frac{1}{2}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho.
31. Road Easement and Right-of-Way Deed executed by Howard E. Conrad and Mary J. Conrad, husband and wife, to Burley Highway District, a political subdivision of the State of Idaho, dated November 3, 1980 and recorded November 4, 1980 as Instrument No. 130300 on Film No. 138, records of Cassia County, Idaho, over and across a portion of Sections 7 and 18 in Township 11 South, Range 21, East of the Boise Meridian.
32. State of Idaho Lease No. 0G-0335, notice given by document recorded March 11, 1982 as Instrument No. 141700, records of Cassia County, Idaho.
ASSIGNMENT OF MINERAL, OIL, AND GAS, AND/OR GEOTHERMAL RESOURCE LEASE(S) from Steven W. Davis and Karen M. Davis, Spouse, to Bridger Energy Associates, dated November 24, 1981 and recorded March 11, 1982 as Instrument No. 141700 on Film No. 148, records of Cassia County, Idaho.
33. Exception contained in Warranty Deed executed by Clarence Barkes and Bessie I. Barkes, husband and wife, and Stan Barkes and Dixie Ann Barkes, husband and wife, to Conrad Land & Livestock, Inc., an Idaho corporation, dated May 10, 1976 and recorded September 5, 1997 as Instrument No. 251043 on Film No. 291, records of Cassia County, Idaho, which reads as follows: "EXCEPTING the deep well, irrigation equipment and water rights owned by C. LeRoy Garner, his heirs, successors and assigns." (SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21, East of the Boise Meridian.)
34. Rights for pipeline purposes as have been granted to El Paso Natural Gas Company, its successors or assigns, by Right of Way Idaho 06421 under 50 C.28 of the Mineral Leasing Act, 30 U.S.C. 185, notice of such given by United States patent No. 11-72-0171 dated March 3, 1972 and recorded December 22, 1998 as Instrument No. 259794 on Film No. 306, records of Cassia County, Idaho. (S $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 11 South, Range 21, East of the Boise Meridian)
35. A First Mortgage, Security Agreement and Assignment of Rents to secure an indebtedness in the principal sum of \$3,013,000.00.

| | |
|------------|--|
| Recorded: | January 8, 1999 as Instrument No. 260101 on Film No. 307, records of Cassia County, Idaho. |
| Dated: | January 7, 1999 |
| Mortgagor: | Cummins Farms, Inc., an Idaho corporation |
| Mortgagee: | Metropolitan Life Insurance Company |

-Continued-

SCHEDULE B

Policy Number: J 989970

36. Assignment of Bonuses, Rentals and Royalties executed by Cummins Farms, Inc., an Idaho corporation to Metropolitan Life Insurance Company, dated January 7, 1999 and recorded January 8, 1999 as Instrument No. 260102 on Film No. 307, records of Cassia County Idaho.
37. Financing Statement between Cummins Farms, Inc. as Debtor #1 and Metropolitan Life Insurance Company as Secured Party, recorded January 8, 1999 as Instrument No. 260103 on Film No. 307, records of Cassia County, Idaho.

END OF SCHEDULE B

Schedule B (Owners Policy)

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 3/23/95Contact Person(s) Zola McFarland - Carey & Adams Realty
1570 Overland, Burley FAX 678-1151Nature of Contact phone callSubstance of Communication sent profile reports on the

following claims: A45-02583 A45-02674
(Conrad Land & Livestock) A45-02683 A45-02689
A45-07013 A45-07020
A45-07034 A45-07035
A45-07006 A45-07009
A45-07110 A45-07238
A45-07374 A45-07481
A45-07482A A45-07482B
A45-10263 A45-10264
A45-10265 A45-10266
A45-10267 A45-10268
A45-10269 A45-10270
A45-10271 A45-10272
A45-10273 A45-10274
A45-12452

DEC 03 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-10270
Date Received: 3/15/1989
Receipt No: 5007922
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CONRAD LAND & LIVESTOCK, INC. 208-432-5444
Address: RT. 1
MURTAUGH, ID 83344

AND/OR
Name: HOWARD CONRAD 208-432-5444
Address: RT. 1
MURTAUGH, ID 83344

2. Date of Priority: NOV 12, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 11S | 21E | 9 | NW | NW | NE | | CASSIA |

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |
| STOCKWATER | 01/01 | 12/31 | 0.200 | | |

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE S/100 CATTLE, 1000 SHEEP

A45-10270

Page 1

Date: 03/15/89

MICROFILMED

MAR 09 1993

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 11S | 21E | 9 | NW | NE | | DOMEST | |
| | | | NW | NE | | STOCK | |

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
WELL IS SHARED BETWEEN FOUR HOUSES. (FILED SEPARATELY)

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

4-3-89
Date

State of Idaho)
County of Twink Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of April 19 89

Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/92
Date: 03/15/89

A45-10270

Page

3

MICROFILMED

MAR 09 1993

WATER RIGHT NUMBER - A45-10270

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - - LAST NAME - - - - - +

+ - FIRST NAME - - +

+ - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
CONRAD

HOWARD

1 - PT. 1

2 -

3 1

CITY- MURTAUGH

STATE- ID ZIP- 83344

PHONE - 208-432-5444

1 - RT. 1

2 -

3 -

CITY- MURTAUGH

STATE- ID ZIP- 83344

PHONE - 208-432-5444

CONRAD LAND & LIVESTOCK, INC.

+ - - PRIORITY DATE - - +
11/12/1966

```

+ - - - REGION - - - +
  ERROR IN REGION

```

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - - - - - - - TRIBUTARY - - - - - - - - - - - - - - - - +

| TWN | RNG | SEC | TRACT | LOT | RFLG | POINT OF DIVERSION | COUNTY | STREAM INDEX (BLANK IF NO INDEX CODE) |
|-----|-----|-----|----------|-----|------|--------------------|-------------|---------------------------------------|
| 11S | 21E | 9 | NW NW NE | | | | (31) CASSIA | |

| CODE | DESCRIPTION | PERIOD FROM | PERIOD TO | WATER USE | DIVERSION RATE | DIVERSION VOLUME |
|-----------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 43 - DOMESTIC | | 01/01 | 12/31 | | 0.040 | |
| 04 - STOCKWATER | | 01/01 | 12/31 | | 0.200 | |

| + - TOTAL DIV. RATE - + | | + - TOTAL DIV. VOLUME - + | | + - TOTAL DIV. CAPACITY - + | | + - TOTAL CONSUMPTIVE USE - + | | + - KW USAGE - + | |
|-------------------------|-------|---------------------------|--|-----------------------------|--|-------------------------------|-----|------------------|--|
| | 0.200 | | | | | | 0.0 | | |

| TWN | RNG | SEC | TRACT | LOT | ACRES | PLACE OF USE CODE | DESCRIPTION | COUNTY |
|-----|-----|-----|-------|-----|-------------------|-------------------|-------------|--------------|
| 11S | 21E | 9 | NW NE | | ~~100.00~~ | 04 | STOCKWATER | (31) CASSIA |
| 11S | 21E | 9 | NW NE | | | 43 | DOMESTIC | (31) CASSIA |

+ - - DIVERSION MEANS - WELL AND PUMP

+ - - NON-IRRIGATION USE - D/1 HOUSE S/100 CATTLE, 1000 SHEEP

+ - - OTHER RIGHTS FOR SAME USE - NONE

| + | REMARKS | | | | | | | | | | + |
|---|--|--|--|--|--|--|--|--|--|--|---|
| | WELL IS SHARED BETWEEN FOUR HOUSES. (FILED SEPARATELY) | | | | | | | | | | |

----- OLD WATER RIGHT NUMBERS ----- MICROFILMED -----
NO OLD WATER RIGHT NUMBERS FOUND.

MICROFILMED
OCT 27 1994

WATER RIGHT NUMBER - 445-10270

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 03/15/89 CLELLAND

```
+ + + + + ADJUDICATION RIGHTS DATES AND FLAGS AREA + + + + +
```

| | | | | | | | | |
|-----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| COURT REPORT FILING | - | 00/00/0000 | FIELD INSPECTION MADE | - | 00/00/0000 | CIVIL CASE NUMBER | - | 39576 |
| OBJECTION FILED DATE | - | 00/00/0000 | FIELD INSPECTION FLAG | - | | OLD CASE NUMBER | - | |
| RESPONSE FILED DATE | - | 00/00/0000 | VERIFIED DATE | - | 00/00/0000 | OLD JUDICIAL DISTRICT | - | |
| CLAIM RECEIVED DATE | - | 05/31/1989 | LAST AMENDED DATE | - | 00/00/0000 | TEMPORARY RIGHT | - | P |
| PROOF DUE DATE | - | 00/00/0000 | PROOF MADE DATE | - | 00/00/0000 | WATER DISTRICT | - | |
| LICENSED DATE | - | 00/00/0000 | RECEIPT NUMBER | - | S007422 | FEDERAL/STATE INDICATOR | - | S |
| CLAIMS TAPE ERROR FLG | - | | POU OWNERSHIP FLAG | - | Y | PRESUMPTION FLAG | - | |
| FEE EXEMPT FLAG | - | | NAME CONNECTOR | - | AND/OR | NOTICE OF ERROR FLAG | - | |

11521EO 90000

DATA ENTRY

ENTERED 11-20-92 *NRB*

CHECKED 2/6/93

"Verified By"
 Topo Map/Ortho-PQ
 ASCS Map
 Watermaster Records
 NAPP Photos
 Field Exam
 Other (See Remarks)
 County Records
 Witness Statement
 Project Records
 IDWR Records

VERIFIED
OCT 25 1991

CERTIFIED
00187 1991
WATER EXAMINER